



MEMORANDUM

DATE: June 6, 2018
For June 21, 2018 Hearing

TO: Zoning Examiner

FROM: 
Scott Clark
Planning & Development Services
Interim Director

SUBJECT: REZONING – PLANNING & DEVELOPMENT SERVICES REPORT
C9-18-11 Rojo – El Burrito Avenue
C-2 to I-1 (Ward 3)

Issue – This is a request by Frank Rendon of 3D Architectural Designs, on behalf of the property owners, Alberto and Elva Rojo, to rezone approximately 0.60 acres from C-2 to I-1 zoning. The rezoning site is comprised of two parcels and is located on the east side of El Burrito Avenue approximately 400 feet south of Miracle Mile (see Case Location Map). The preliminary development plan (PDP) proposes a wrought iron manufacturing use. A new 400 square foot storage building is proposed adjacent to an existing workshop/storage building on the northern parcel, and approximately 2,200 feet of new covered storage area is proposed on the southern parcel adjacent to two existing workshop/storage buildings. Two small existing storage structures will be demolished on the northern parcel. The applicant is requesting a rezoning to allow the site to be brought into *Unified Development Code* compliance.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of I-1 zoning, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Wrought iron manufacturing and storage

Zoning Descriptions:

Existing: C-2 – This zone provides for general commercial uses that serve the community and region. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Proposed: I-1 – This zone provides for industrial uses that do not have offensive characteristics in addition to land uses permitted in more restrictive nonresidential zones. Select other agriculture, civic, commercial, industrial, retail, storage, utility, and wholesaling uses may also be permitted.

Surrounding Zones and Land Uses:

North: Zoned C-2; Commercial auto repair use

South: Zoned I-1; Various commercial, industrial manufacturing and warehouse uses

East: Zoned MH-1; Mobile home park

West: Zoned C-2; Various commercial uses

Previous Cases on the Property: None

Related Cases:

C9-14-05 Mar – Kino Parkway, R-2 to I-1 A rezoning request for approximately 0.88 acres located at the southeast corner of Kino Parkway and 14th Street to allow an 8,533 square foot, 24 foot tall building for the manufacturing of electronic components. On October 21, 2014, Mayor and Council voted to authorize the rezoning.

C9-08-11 RARIC Partnership – 20th Street, R-2 to I-1 A rezoning request for 1.12 acres located at the northwest corner of 20th Street and Fremont Avenue for the purpose of constructing a 19,831 square-foot building to be used as a metal fabrication facility. On October 19, 2010, Mayor and Council adopted Ordinance No. 10845. Time for compliance with conditions of rezoning expired on October 19, 2015. The existing R-2 zoning remains in effect.

C9-79-13 Hvidsten – W. Miracle Mile, B-2A (C-2) to I-1 This was a rezoning request on a 1-acre property located on the south side of Miracle Mile approximately 1,800 feet west of the subject property for wholesale plumbing supplies. The Mayor and Council approved the rezoning request on June 25, 1979. The case was closed on July 12, 1984, when it expired.

Applicant's Request – The applicant requests to rezone 0.60 acres to I-1 zoning to allow a general manufacturing use (wrought iron manufacturing) with storage.

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson (PT)*. The rezoning site is located within an “Existing Neighborhood” as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing Neighborhoods are primarily developed, largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to protect and maintain the character of the neighborhood by accommodating new, compatible development, and encouraging reinvestment and new services as area amenities. *PT* also encourages context-sensitive community design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of adjacent streets. The proposed rezoning request from C-2 to I-1 is supported by *PT*.

The site is within an industrial business area, with surrounding development consisting of a mix of industrial and commercial land uses. The 0.60-acre rezoning site is located on the east side of El Burrito Avenue approximately 400 feet south of Miracle Mile and approximately 2/3 of a mile east of the Interstate 10/Miracle Mile interchange. On the *Major Streets and Routes Plan* map, Miracle Mile is identified as an arterial street with a 150-foot cross section. Direct vehicular access to the rezoning site is proposed at two ingress/egress points from El Burrito Avenue, a local street providing access to industrial uses to the south. Field inspection by staff indicates there are no billboards on the rezoning site.

To the north of the rezoning site is a commercial auto repair facility, zoned C-2. To the west across El Burrito Avenue are various commercial uses zoned C-2. To the south is a mix of commercial and industrial uses in I-1 zoning. To the east across a 10-foot wide public right-of-way is a mobile home park, zoned MH-1, with the nearest mobile home unit being approximately 40 feet from the eastern boundary of the rezoning site.

Design Considerations

Land Use Compatibility – Because of the site’s visibility from the residential mobile home park to the east, dumpsters and outdoor storage should be screened from view with a masonry screen wall. Outdoor storage should not extend above the height of the screen wall.

Drainage/Grading/Vegetation – Retention of 100 percent of the 5-year storm is required in water harvesting basins with any development of the site. Hardscape surfaces should be drained to water harvesting areas before overtopping to the right-of-way or adjacent private property.

Road Improvements/Vehicular Access/Circulation – The PDP depicts four parking spaces for the northern parcel and five parking spaces for the southern parcel. Per the *Unified Development Code*, one vehicle parking space is required for each 1,000 square feet of building area and materials storage area. The PDP demonstrates that parking requirements will be met but not exceeded. The Tucson Department of Transportation (TDOT) requires the addition of a 5-foot wide sidewalk along the property street frontage in El Burrito Avenue. The access drives are required to conform with ADA requirements.

Conclusion – The proposed rezoning is consistent with *Plan Tucson*, which supports industrial development at this location. Subject to compliance with the attached preliminary conditions, approval of the requested I-1 zoning is appropriate.

PROCEDURAL

1. A development package in substantial compliance with the preliminary development plan, dated April 26, 2018, and required reports, are to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATIBILITY

6. All walls visible from a public right-of-way are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
7. Six (6) inch wide masonry block or greater shall be used for perimeter walls.
8. Outdoor storage shall not extend above the masonry screen wall located adjacent to residentially zoned property to the east.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

9. A 5-foot wide sidewalk shall be constructed along the El Burrito Avenue frontage.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

10. Total retention of the 5-year/1-hour storm is required in water harvesting basins.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case C9-18-11 and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case C9-18-11.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case C9-18-11.

Dated this _____ day of _____, 20__.

Owner: _____

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

Owner: _____

(Name of Individual, Corporation, Partnership, or LLC, as applicable)

By: _____

(Signature of Owner or Authorized Representative, if applicable)

By: _____

(Signature of Owner or Authorized Representative, if applicable)

Its: _____

(Title of Individual Signing in Representative Capacity)

Its: _____

(Title of Individual Signing in Representative Capacity)

State of Arizona)
County of _____)

On this _____ day of _____, 20__, before me personally appeared _____ on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

My Commission expires:

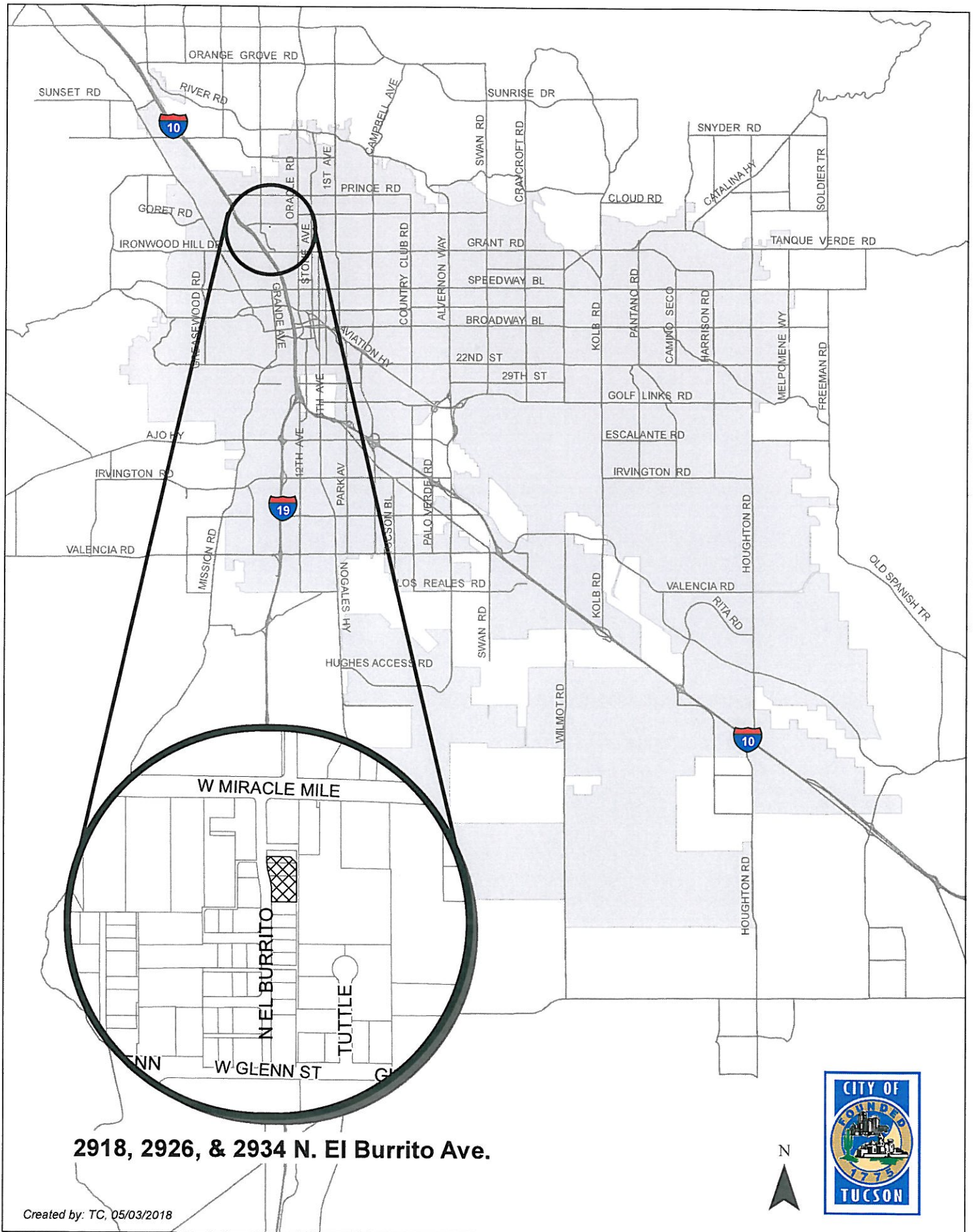
City of Tucson, an Arizona municipal Corporation:

By: _____

Planning & Development Services Department

This form has been approved by the City Attorney.

C9-18-11 Rojo - El Burrito Ave.
Rezoning Request: From C-2 to I-1



C9-18-11 Rojo - El Burrito Avenue
Rezoning Request: From C-2 to I-1



 Subject Property

Address: 2918, 2926, & 2934 N. El Burrito Ave.
Base Maps: Twp.13S Range13E Sec. 35
Ward: 3

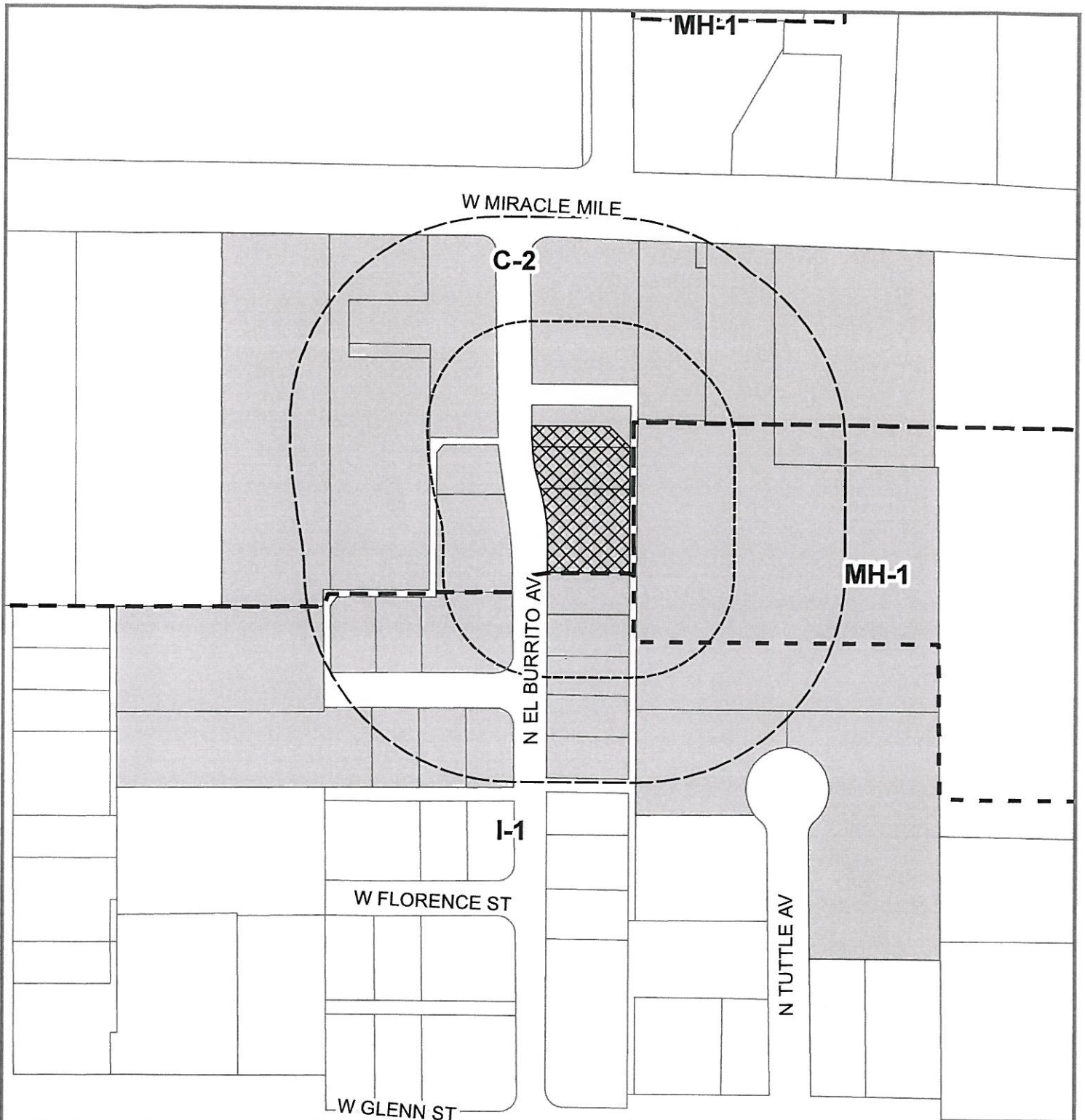


0 100 200 Feet
1 inch = 200 feet

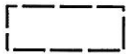


C9-18-11 Rojo - El Burrito Avenue

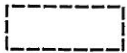
Rezoning Request: From C-2 to I-1



Subject Property



Notification Area (300-foot Radius)



Protest Area (150-foot Radius)



Properties Notified



Zone Boundaries

Address: 2918, 2926, & 2934 N. El Burrito Ave.
Base Maps: Twp.13S Range13E Sec. 35
Ward: 3

0 100 200 Feet

1 inch = 200 feet





Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests must have an owner's signature to be recorded.

If there are protests from 20% of the property owners within 150' of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150', then an affirmative vote of $\frac{3}{4}$ of the Mayor and Council (5 of 7 council members) will be required to approve the rezoning ordinance or Mayor and Council Special Exception. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations.

**Case: C9-18-11 Rojo – El Burrito Avenue, C-2 to I-1
Ward 3**

I/We the undersigned property owners, wish to

☐ APPROVE the proposed rezoning/special exception
☐ PROTEST the proposed rezoning/special exception

Reason:

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: _____ Date _____

C9-18-11



City of Tucson PMc
Planning & Development Services
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

C9-18-11
IMPORTANT REZONING NOTICE ENCLOSED